

# CRITERIA FOR A CERTIFICATE OF ELIGIBILITY

**A petitioner seeking to expunge a record of arrest, investigation, traffic offense\*, detention or conviction must first obtain a certificate of eligibility from the Bureau of Criminal Identification.**

## Waiting Period to Expunge a Record of Conviction

Felony	7 years
Class A misdemeanor	5 Years
Class B misdemeanor	4 years
Class C misdemeanor or infraction	3 years
Misdemeanor DUI	10 years

## Circumstances in which a Record of Arrest Can be Expunged if 30 days has Passed and there are no Intervening Arrests

The case was screened by the police and the prosecutor declined to file charges.

The case was dismissed with prejudice.

The petitioner was acquitted at trial.

The statute of limitations has expired.

## Offenses which Cannot be Expunged

A capitol offense

A first degree felony

A violent felony

Automobile homicide

A felony DUI

A registerable sex offense

## FEES

A petitioner seeking a certificate of eligibility must pay an initial application fee of \$50.00.

If the petitioner is eligible to receive a certificate of eligibility for a record of conviction, the petitioner must pay an issuance fee of \$56.00.

If the petitioner is eligible to receive a certificate of eligibility for a record involving a plea which has been dismissed pursuant to plea in abeyance or diversion agreement, the petitioner must pay an issuance fee of \$56.00.

If the petition is eligible to receive a certificate of eligibility for a record of arrest, investigation, or detention involving a case that has been declined, otherwise dismissed or in which the petitioner was acquitted, there is no issuance fee.

\*Traffic offenses will only be removed from court records, not from the applicant's Driver License Division driving history.

### Circumstances which would Render a Petitioner Ineligible to Obtain a Certificate of Eligibility

The Petitioner has been convicted of two or more felony convictions, each of which is contained in a separate criminal episode.

The Petitioner has been convicted of three or more class A misdemeanor convictions, each of which is contained in a separate criminal episode.

The Petitioner has been convicted of four or more class B misdemeanor convictions, each of which is contained in a separate criminal episode.

The Petitioner has been convicted of five or more convictions of any degree whether misdemeanor or felony, excluding infractions, each of which is contained in a separate criminal episode.

**If a petitioner is eligible to expunge the most serious conviction in a case, the petitioner may expunge all convictions included within a single criminal episode.**

### Circumstances in which a Record of Conviction Cannot be Expunged

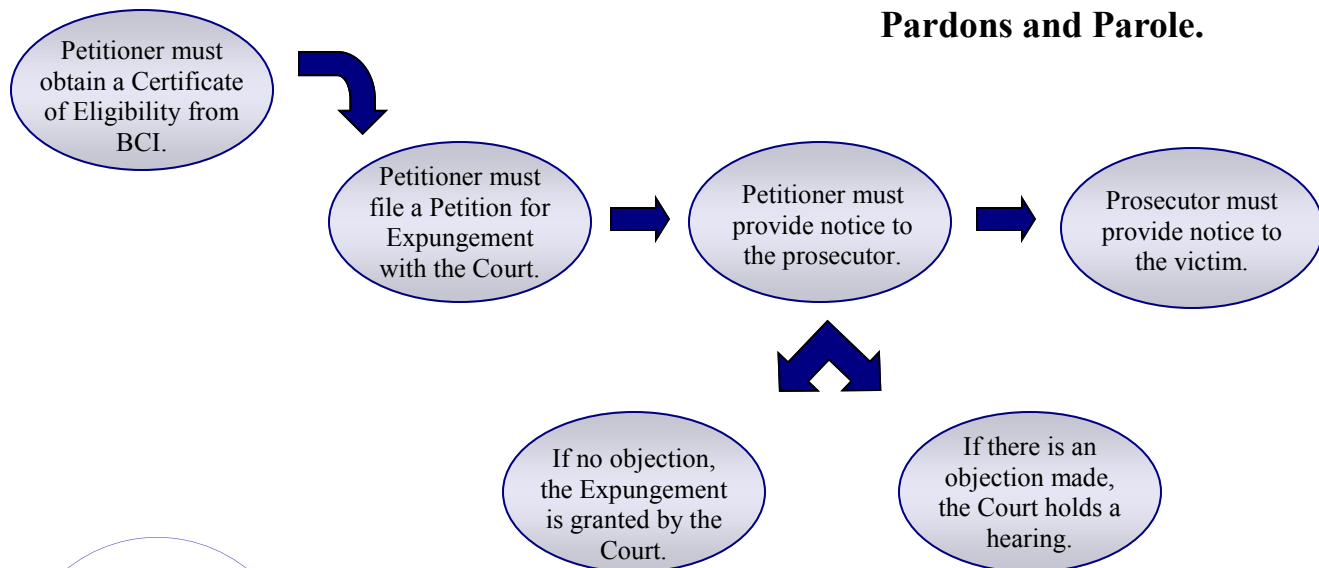
A proceeding involving a crime is pending or being investigated the petitioner.

The petitioner intentionally or knowingly provides false or misleading information on an expungement application.

When fines and interest ordered by the court have not been paid in full.

When restitution has not been paid in full.

**A petitioner may receive a certificate of eligibility for a record of conviction if the petitioner receives a pardon from the Utah Board of Pardons and Parole.**



## Overview of the Expungement Process